



# PROPOSED RULE MAKING

**CR-102 (June 2004)**

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

**Agency:** Ecology AO# 04-12

☒ **Preproposal Statement of Inquiry was filed as WSR 04-14-055 ; or**

☐ **Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or**

☐ **Proposal is exempt under RCW 34.05.310(4).**

☒ **Original Notice**

☐ **Supplemental Notice to WSR \_\_\_\_\_**

☐ **Continuance of WSR \_\_\_\_\_**

**Title of rule and other identifying information:** (Describe Subject) Chapter 173-350 WAC Solid Waste Handling Standards. The chapter applies to facilities and activities that manage solid wastes not defined as municipal solid waste.

**Hearing location(s):**

Ecology Headquarters Building

Date: February 8, 2005 Time: 1:00pm

**Submit written comments to:**

Name: Randy Martin

Address: Department of Ecology

PO Box 47600

Olympia, WA 98504-7600

e-mail [rama461@ecy.wa.gov](mailto:rama461@ecy.wa.gov)

fax (360)407-7157 by (date) February 15, 2005

**Assistance for persons with disabilities:** Contact

Solid Waste & Financial Assistance Program by 1/20/05 TTY  
(800) 833-6388 or (360) 407-6900

**Date of intended adoption:** February 16, 2005

(Note: This is **NOT** the **effective** date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

This rule amendment would clarify the definitions of clean soils and clean dredged materials, contaminated soils and contaminated dredged material.

**Reasons supporting proposal:** This rule change is a temporary fix. We adopted a new solid waste rule, and revised our soil standards to be more clear. Upon implementation, we have found that our new standards are not more clear, and are causing much concern. This rule change takes us back to the old standards. We will file another rule with the final soil standards in the spring of 2005. In that process, we will analyze the concerns and economic impacts.

**Statutory authority for adoption:** Chapter 70.95.060 RCW  
authorizes Ecology to adopt rules to implement the requirements of  
Chapter 70.95 RCW.

**Statute being implemented:** Chapter 70.75 RCW, Solid Waste  
Management-- Reduction and Recycling Act

**Is rule necessary because of a:**

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE

STATE OF WASHINGTON

FILED

DEC 22 2004

TIME 11:31 AM  
WSR 05-01-235

**DATE**

December 22, 2004

**NAME** (type or print)

Polly Zehm

**SIGNATURE**

POLLY ZHEM

**TITLE**

Deputy Director, Department of Ecology

(COMPLETE REVERSE SIDE)

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

**Name of proponent:** (person or organization)

Washington Department of Ecology

☐ Private  
☐ Public  
☒ Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... <a href="#">Albert W. Krafft</a>	ERO regional office - Spokane	(509) 329-2438
Implementation.... <a href="#">Albert W. Krafft</a>	ERO regional office - Spokane	(509) 329-2438
Enforcement..... <a href="#">Albert W. Krafft</a>	ER regional office - Spokane	(509) 329-2438

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

X Yes. A small business economic impact statement will be filed with the code revisor by January 7, 2005 and will be available by contacting Helen Fox (see below) or downloading a copy from the following website <http://www.ecy.wa.gov/laws-rules/activity/wac173350.html>

A copy of the statement may be obtained by contacting:

Name: Helen Fox  
Address: PO Box 47600  
Olympia, WA 98504-7600

phone (360) 407-6105  
fax (360)407-6903  
e-mail [hfox461@ecy.wa.gov](mailto:hfox461@ecy.wa.gov)

☐ No. Explain why no statement was prepared.

**Is a cost-benefit analysis required under RCW 34.05.328?**

X Yes A preliminary cost-benefit analysis may be obtained by contacting Helen Fox (see below) or the following website <http://www.ecy.wa.gov/laws-rules/activity/wac173350.html> .

Name: Helen Fox  
Address: PO Box 47600  
Olympia, WA 98504-7600

phone (360) 407-6105  
fax (360)407-6903  
e-mail [hfox461@ecy.wa.gov](mailto:hfox461@ecy.wa.gov)

☐ No: Please explain: